

Remark

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 11, 17, 18 and 23 have been amended. Claim 9 has been cancelled. Therefore, claims 1-8 and 10-23 are present for examination.

35 U.S.C. §112 Rejection

The Examiner has rejected claims 17-23 under 35 U.S.C. §112, second paragraph, as indefinite. Claims 17 and 23 have been amended to clarify the reference to a training sequence.

35 U.S.C. §103 Rejection***Dent in view of Rahnema, Tiedeman, Jr., and Otsuka***

The Examiner has rejected claims 1, 5, 6, 8, 11, 15, 16, 18 and 23 under 35 U.S.C. §103 (a) as being unpatentable over Dent, U.S. Patent No. 5,404,376 ("Dent") in view of Rahnema, U.S. Patent No. 5,870,443 ("Rahnema"). The Examiner suggests that Dent teaches "selecting an amount of delay for the uplink" in its abstract. However, delay is not mentioned in the abstract.

Dent's abstract does state, "[f]rom the broadcast information, the mobile station determines the propagation loss for a transmission to the base station and the appropriate power level and timing for transmissions." "[T]iming for transmissions" is not described in the abstract, however, it is clear from the specification that this refers to a timing advance (to compensate for the distance from the base station) not to a timing delay. The specification at Column 2, lines 60-63 refers to a timing advance. At Column 5, lines 4-14, the specification explains what is meant in Dent by a timing advance. Again at Column 9, lines 61-66, the timing advance is described. Nowhere in Dent is Applicant able to find any suggestion of transmitting with a delay.

Attorney Docket No. 015685.P049
Application No. 09/727,262

Rahnema, Tiedemann (U.S. Patent No. 5,544,196), and Otsuka (U.S. Patent No. 5,519,710) were not cited as showing adding a delay to an uplink transmission, nor do they teach or suggest doing so as recited in the claims. For this reason, among others, all of the rejected claims are believed to be allowable over the cited references.

Attorney Docket No. 015685.P049
Application No. 09/727,262

8

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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Date: 6/17/04



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